

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>JERMAINE RICHARDSON,</b>	)	CASE NO. 1:21-CV-01875
	)	
Petitioner,	)	JUDGE CHARLES ESQUE FLEMING
	)	
vs.	)	MAGISTRATE JUDGE
	)	JAMES E. GRIMES JR.
<b>WARDEN WANZA JACKSON- MITCHELL,</b>	)	
	)	<b>OPINION AND ORDER ADOPTING</b>
	)	<b>MAGISTRATE’S REPORT AND</b>
Respondent.	)	<b>RECOMMENDATION</b>

On September 29, 2021, Petitioner Ruben Martinez-Castro (“Petitioner”) filed a Petition for Writ of Habeas Corpus (“Petition”), pursuant to 28 U.S.C. § 2254. (ECF No. 1). On July 27, 2023, Magistrate Judge James E. Grimes Jr. filed a Report and Recommendation recommending that the Court deny and dismiss the Petition. (ECF No. 12).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to a Magistrate Judge’s Report and Recommendation within 14 days after service. The Report and Recommendation also gave the parties notice of the 14-day time limit for filing objections. (ECF No. 12, R&R at Page 28). On July 27, 2023, Petitioner’s counsel received electronic notice of the Report and Recommendation. As a result, any objections by the parties were due on August 10, 2023. No objection has been filed by either party to date.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of those portions of the Report and Recommendation to which the parties have objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt a Report and

Recommendation without further review. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Thomas v. Arn*, 474 U.S. 140, 141-42 (1985).

Accordingly, the Court **ADOPTS** Magistrate Judge Grime's Report and Recommendation, incorporates it fully herein by reference, and **DENIES** and **DISMISSES** the Petition. The Court also **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision cannot be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c).

**IT IS SO ORDERED.**

Date: August 21, 2023

A handwritten signature in cursive script, reading "Charles Esque Fleming".

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**CHARLES ESQUE FLEMING**  
**UNITED STATES DISTRICT JUDGE**